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OUR JOURNALL INTO SCOTLAND

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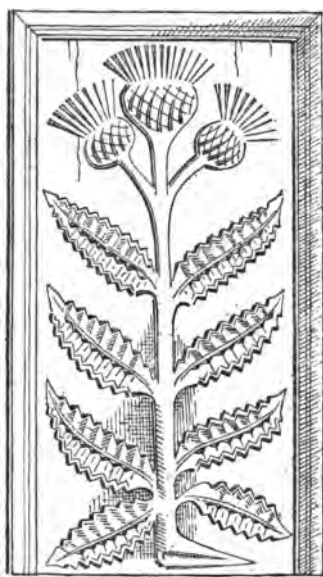
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OUR JOURNALL INTO SCOTLAND

ANNO DOMINI 1629, 5TH OF NOVEMBER

FROM LOWTHER

C. LOWTHER
MR R. FALLOW
PETER MAUSON

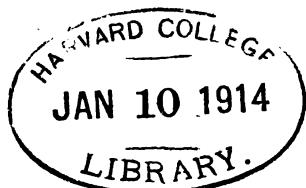


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1894

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PREFACE.

MR LOWTHER'S Journal remained unprinted until it appeared in Appendix VII. to the Thirteenth Report of the Historical Manuscripts Commission, under the editorship of Mr J. J. Cartwright. By the kind permission of the Earl of Lonsdale it now appears in a separate form, with the addition of a few illustrative notes.

The original MS. is a little pamphlet of some sixty pages, $5\frac{3}{4} \times 3\frac{1}{2}$ inches, written on both sides of the paper. It is preserved at Lowther Castle. A *fac-simile* of the first page of the Manuscript is appended.

In the present reprint, the mode of changing the old-fashioned spelling of the seventeenth century MS. to the more modern form adopted by Mr Cartwright in his Report, has been retained. In a few instances, where comparison with the original has shown words to have been inaccurately translated, they have been altered. A paragraph omitted by Mr Cartwright has been printed on page 38 as written by Mr Lowther. The plan given at page 27 has been enlarged from a photograph of Mr Lowther's sketch,

as the diagram in the printed "Report" is not sufficiently distinct to enable the reader to follow Mr Lowther's description. This plan is of some importance to the historical student, as probably it is the only existing record of the arrangement and relative position of the Scottish Law Courts before 1640.

Prefixed to the book, in the same handwriting as the rest of the Manuscript, is the following title :—

" C. Lowther,	} Our Journall into
Mr R. Fallow,	
*Peter Mauson.	
	Scotland ano. dni 1629
	5th of November from Lowther."

Mr Cartwright suggests that "C. Lowther" was "probably Christopher, afterwards Rector of Lowther," but from the reference to "my uncle Fallowfield," at page 12, it is possible that he was "the Rector's" nephew—Sir Christopher Lowther, the founder of the Whitehaven branch of the family, who died in 1644. This Sir Christopher was the second son of Sir John Lowther. The Rector was a younger brother of Sir John Lowther; and their sister Eleanor, having married Richard Fallowfield of Strickland Hall, would thus give Sir John's son an "uncle Fallowfield." The genealogical tree at Lowther Castle unfortunately does not give the exact date of Sir Christopher's birth, but he could not have been much more than twenty years of age at the time this tour was made.

In preparing the notes which illustrate the text, I

* This name appears incorrectly as Peter Manson in the His. MS. Com. Report.

have to acknowledge my indebtedness to Mr R. B. Armstrong and to Mr T. Craig-Brown, who have furnished me with information on many points connected with the Borders and Selkirkshire ; and my thanks are also due to Mr P. Hume Brown, the editor of *Early Travellers in Scotland*, and *Scotland before 1700*, for his kindness in reading the proof sheets, and to Mr Richard H. Bailey for his assistance in deciding many of the doubtful points connected with the reading of the original manuscript.

W. D.

10 CASTLE STREET,
EDINBURGH, 26th September 1894.

OUR JOURNALL INTO SCOTLAND

A.D. 1629,

5th of November From LOWTHER.

From Carlisle to the river Leavens¹ 4 miles, in that space is wet moorish mossy ground all but a little by the river side, which is good. From Leavens to the river Esk 2 miles, all this space is plain very good ground, most corn ground, all betwixt these two rivers are of Barronet Grame² land and the debateable land which is divided appertaining to England; the whole length of Sir Rich. Grame's purchase is some 16 miles, down to Sarkfoot it is some 6 or 7 miles broad for 14 miles, some 2 or 3 miles broad towards Sarkfoot: it is most of it good. There is betwixt Esk and Leavens, the church of Arthuret³ built by a stock gathered through the whole kingdom of England, being about 1500 pounds, Mr. Curwen⁴ parson of the same procurer of it. By this church is the Howe end⁵ where

¹ An old name for the River Line. In Blaeu, Leuin.

² Richard Graham, gentleman of the horse to James I., created a Baronet 20th March 1629. He purchased Netherby and the barony of Liddell from Francis, Earl of Cumberland.

³ In Nicolson's *Westmoreland and Cumberland* (vol. 2, p. 472), we are told that this church was built by the help of a "charity brief" in 1609, and that the persons employed in building it, went off with a considerable part of the money collected, leaving the tower unfinished until Dr. Todd, the rector from 1688-1728, raised funds for its completion.

⁴ Cuthbert Curwen, D.D., resigned the rectorship in 1639.

⁵ The Howe End appears on a late 16th century MS. map of the district. It is placed on the same side of the Esk as Longtown, but somewhat nearer the sea.

the thieves in old time met and harboured. From over passing of Esk to Dunedale Dike or Sike¹ along Esk is almost 2 miles, which Dike is the division of the debateable land first agreed on in Hen. VI's time, but now gotten exemplified in Scotland by Barronet Grame, *sed plus vide de eo*. From Carlisle they use stacking of corn, on forward into Scotland. The houses of the Grames that were are but one little stone tower² garretted and slated or thatched, some of the form of a little tower not garretted; such be all the leards' houses in Scotland. The Good man of Netherby in the Wood is the chief³ of the Greames. The debateable land is 3 miles long and 3 broad, Soleme⁴ moss is on debateable land beyond Esk in Arthuret parish. Within a mile of the Erix Stond⁵ beside Moffat in Annandale rise the three great rivers, Annan running W. through Annandale; Clyde, north; Tweed, east.

From Dunedale Sike to against Canonby some 4 miles, and from this Dunedale Sike to Langham almost on both sides of Esk which is 8 miles is L. Bucplewes land all; and on the east side of Esk to Selkerigg⁶ which is 4 miles along the river Esk, from Canonby to Langholm be good woods on the E. side, Helliweare-boog⁷ and Langham wood on the W. side, and Hollow-

¹ In Blaeu, March-Dyik.

² There were several of these Towers in this district belonging to the Grame clan, of which a perfect example still exists in Kirk Andrew's Tower.

³ The Grames, as is well known, were banished to Ireland before this date, but members of the clan constantly appeared at their old haunts.

⁴ The Solway moss in 1771 became so swollen that it rose above the level of the ground and rolled forward for about a mile, covering some 600 acres at Netherby and destroying about thirty small villages.

⁵ Errickstane hill lies 7 miles N.W. of Moffat. In Blaeu, Aricstan.

⁶ Not identified.

⁷ Probably Hollow-well bog, a large and old wood close to Byreburn.

wood¹ through which is our way to Langham, and 3 miles from Langham, over Langham wood is my L. Buep: colepits.² Along the river of Eske is very good ground, on the height is waste but good ground, and the most part beyond Esk towards Berwick is waste.

Langham is my Lord Maxfeild's³ but my Lord Buckpleugh hath it and all his land there mortgaged and is thought will have it.⁴ My Lord Maxfield hath gotten it to be a market within this 5 years, and hath given them of Langham and Erkenholme⁵ land to them with condition to build good guest houses within a year. We lodged at John a Foorde's at my Lord Maxfeild's gate where the fire is in midst of the house; we had there good victuals, as mutton, midden fowle, oat bread cakes on the kirdle baked the 5th part of an inch thick; wheat bread, ale, aquavitæ. Robert Pringle.⁶ Courts, Barons and Burghs may hang and order any other causes, hang if offenders be taken

¹ The wood round Hollow's Tower—Armstrong's *Liddesdale*, i. p. 246.

² The coal-mines referred to here are, if not identical with, at least near the site of, those still open at Canonbie.

³ Lord Maxwell, 1st Earl of Nithsdale.

⁴ "The transaction connected with the acquisition by Earl Walter, from Robert, Earl of Nithsdale, of the barony of Langholm began with a wadset in the year 1616, by Nithsdale for £40,000 to the Earl Walter and the Earl of Abercorn and Sir John Maxwell of Pollok. The share of that sum advanced by the Earl of Buccleuch was £15,000. After the death of the latter (1633), his son, Earl Francis, purchased the barony of Langholm for 105,050 merks. His daughter Anna, Duchess of Buccleuch, successfully defended claims made by the Earl of Nithsdale to the barony of Langholm."—*Scotts of Buccleuch*, i. p. 252.

⁵ In Blaeu, Erkmhoome.

⁶ Robert Pringle is mentioned again at p. 46 as entertaining the travellers on their return journey at Baytingbush. He is, therefore, the person referred to in Wood's *History of the Family of Pringle* (p. 106) as "Robert, designed in Bartingbush, a Writer to the Signet, who purchased (in 1628) the lands and barony of Stitchel."

with the manner of the deed, but it must be within 24 hours, but if after then there must be a commission gotten that they may have a jury which consisteth of 15, the first of which is called the chancellor and hath two voices, they go by votes, and the jury is to be elected out of the whole sherifffdom.¹

At Langham, Arche my Lord Maxfeild's steward, bestowed ale and aquavitæ; we laid in a poor thatched house the wall of it being one course of stones, another of sods of earth, it had a door of wicker rods, and the spider webs hung over our heads as thick as might be in our bed. Mr. Curwen, parson of Arthuret sent his man over to Langham to get Arche to get us a lodging in Lord Maxfeild's house² because of the outlaws in the town at that time, but the keys were at Arche's house 4 miles off so that we could not otherwise. We had my uncle Fallowfield³ [who] could not sleep the night for fear of them, neither would he suffer us the rest of his company to sleep; that night also did Mr. Robert Pringle hearing my uncle Fall. was going to Edinburgh come after him, bestowed beer and aquavitæ of us and writ commendatory letters for us to Sir

¹ John Maxwell of Broomholm exercised this power and sentenced two persons to be drowned in the River Eues on the 22nd Nov. 1623, and for this act he had to stand his trial in 1641 on a charge of murder. He pleaded that what was done was in exercise of his office as bailie-depute of the Earl of Nithsdale. "He produced minutes of the trial of the said Rosie Baillie or Irving and William Irving her son, before a jury, on 22nd Nov. 1623, for various acts of theft, reset of theft, infang, outfang and pykers, and who being found guilty were by the said John Maxwell, as judge, condemned to be drowned to death in Water of Ewes. The King's Advocate argued that the said bailie had exceeded his authority, and the matter was argued pro and con., and the case ultimately adjourned to 23rd June 1641."—*Maxwell and Herries' Muniments*, p. 117.

² Langholm Castle.

³ Probably R. Fallowfield of Strickland Hall, who married Eleanor, daughter of Sir Christopher Lowther, who died 1617.

James Pringle sheriff of Ethrick,¹ and to Edinburgh, and of all there we were kindly used, and Mr. Pringle the next day set us a great part of the way to Selkirk.² At the Langham the river Eues where we come into Eusedale runneth into Esk.

The Saturday being the 7th of November anno dni. 1629 went we to Eskerigg,³ the way is most of it a valley, rivers all the way till we be almost at Selkirk, along the which rivers is excellent good ground, the mountains on both sides the river be very green good sheep pasture, and many places of them very good long grass. All the churches we see were poor thatched and in some of them the doors sodded up with no windows in almost till we came at Selkirk. A sheep grass hereabouts and about Langham is 1s. 6d. a year, a beast grass 2s. or 2s. 6d., butter is some 6s. a stone. They have little or nothing enclosed, neither of corn ground, woods, or meadow, they have very little hay⁴ unless at a knight, leard, or lord's house some very little. They use all or most part over Scotland (except in Murray⁵ land which is the finest country in Scotland for all kinds of fruit, of corn, and of trees, and all other necessities, it being most part enclosure) no enclosure but staff herding each man though he have but one

¹ Sir James Pringle of Gallowshiels was then the head of the Pringles, and Robert, though several generations from the main stem, was a Hoppringle of that ilk, and therefore it was quite natural that he should recommend the travellers to the head of his clan. For a further account of Sir James, see Craig-Brown's *History of Selkirkshire*, vol. i. p. 531.

² Selkirk.

³ Ashkirk ?

⁴ "The word hay is Heathen-Greek to them, neither man or beast knows what it means," says Sir Anthony Weldon in 1617.—*Early Travellers*, p. 98.

⁵ Bishop Leslie also gives a favourable account of the fertile lands of Moray in 1578. *Scotland Before 1700*, p. 143.

beast whether of his own or of others taken to grass night and day. They use too in these parts to cut off the wool of the sheep's bellies that they may go better among the ling¹ to feed, and their sheep skins of flayne or dead sheep they spelke² them and hang them up in their fire houses to dry, partly because they will sell better, but chiefly because they sell them by a great company together to sell them, and hanging them so will keep them. A sheep greaser will grease 30, some 40 sheep a day; some use for sheep instead of tar the gilly which cometh off broom sodd in water, and make salve of it with butter, as they do tar, and grease with it, this learned I of Sir James Pringle of Gallowshields, and because I was treating of sheep I thought good to put it in this day's travel, being Friday. The distances from Langham to Eus Church beside Mickle-dale Holle³ 4 miles, betwixt Langham and this place was it that my Lord Buckpleugh⁴ did wapp⁵ the outlaws into the dubb.⁶ From thence to the Frosterly burne⁷ head, after the crossing of which we enter into Tuidale,⁸ where the way that leadeth to Hawick called the Read road⁹ on the right hand meeteth with the way that leadeth to Edinburgh, on the left hand. From thence to Milcinton¹⁰ my Lord Bodwell's¹¹ where the coal pits be

¹ A long thin grass—*Jamieson*,—but probably heather.

² To support by splinters.—*Jamieson*.

³ Mickledale Hollow.

⁴ The Keeper of Liddesdale was at this time, Walter, Lord Scott of Buccleuch—the "Bold Buccleuch" in the Ballad of *Kinmont Willie*.

⁵ Wap = to throw quickly.—*Jamieson*.

⁶ Dub = a small pool of rain-water.—*Jamieson*.

⁷ The Frosterly burn.

⁸ Teviotdale.

⁹ This may have been the old name for the road leading from the Reed Water and Reedsdale to Hawick.

¹⁰ Milsington near Hawick.

¹¹ Francis, 2nd Earl of Bothwell.

on the hill side beside Teat river.¹ From thence to the Burn foot 4 miles, from thence to Askerton Kirk² one mile along the river Ayle,³ at which kirk we drank at the vicar's house taken by an alehouse keeper, from thence to an old gentleman's house a mile on this side of Selkirk where we enter into Etherikke⁴ forest, 2 miles. Just on this side is there a fair lough⁵ half a mile long, about 340 yards broad, much fish in it, and a boat on it; at the end of it a fair house which the Leard of Riddall purchased it of Sir Robert Scott of Havin⁶ the name of the house purchased.

From Selkirk to Sir James Pringle on Sunday in the morning the 8th of November. At Selkirk we lodged at goodman Riddall's,⁷ a burgess of the town, the which town is a borough regal, for antiquity the 15 in the kingdom of Scotland; it is governed by two bailiffs,⁸ they keep courts of themselves and may hang and punish according as their custom is. They have a very pretty church⁹ where the hammermen and other tradesmen have several seats mounted above the rest, the gentlemen below the tradesmen in the ground seats; the women sit in the high end of the church, with us the choir, there is one neat vaulted porch in it, my Lord Bucplewgh's seat is the highest in the church and he hath a proper¹⁰ passage into it in at the outside of the vaulted porch. On a corner of the out-

¹ Teviot river.

² Ashkirk town.

³ The Ale.

⁴ Ettrick.

⁵ Haining loch.

⁶ The disposition by which Haining passed into the hands of the Riddells bears the date 3rd Nov. 1625.

⁷ Possibly John Riddel, several times Deacon of Tailors in Selkirk from 1614 to 1645 (see *History of Selkirk*, ii. p. 207).

⁸ It will be observed that Lowther uses the English term bailiff as the equivalent of bailie.

⁹ The old pre-reformation edifice which was taken down 1747 (see *History of Selkirk*, ii. p. 231).

¹⁰ Private.

side of the choir is fastened an iron chain with a thing they call the Jogges,¹ which is for such as offend but especially women brawlers, their head being put through it, and another iron in their mouth, so abiding foaming till such time as the bailiffs please to dismiss them, it being in the time of divine service. The form of it is a cross house, the steeple fair, handsomely tiled as the Royal Exchange at London, it having at each corner 4 pyramidal turrets, they call them pricks; my Lord Maxfeild's house at Langham being of the form of the steeple. For the repair of the churches, their presbyteries impose taxation on the parishioners, the parson of the church looketh that accordingly they be repaired and if any pay not his tax he is put to the horn. The church was tiled upon close joined boards and not lats.² In the town there were many fine buildings for hewn stone but thatched, it is as great as Appleby. The women are churched before the service begins; through Scotland the people in church when the parson saith any prayers they use a humming kind of lamentation for their sins.³ The inhabitants at Selkirk are a drunken kind of people. They have good victuals throughout the kingdom, unless it be towards the South-West, but cannot dress it well. Here had we a choking smoky chamber, and drunken unruly

¹ Mr Lowther has confounded this with the branks. The *Juggs* was a kind of pillory, the offender being fastened to a wall or post by an iron collar; the *Branks* was an instrument of punishment for female scolds, placed at the doors of churches. It was made of iron and surrounded the head, while a large triangular piece was put into the mouth. An example of the former can still be seen on the wall of Duddingston Churchyard near Edinburgh.

² Laths.

³ A relic of this custom might have been observed in Mr Davidson's church in Brodick some 20 years ago.

company thrust in upon us called for wine and ale and left it on our score. About this town and all the way to Edinburgh is good ground, but nearer Edinburgh the better and still more spacious.

From Selkerigge to ¹ 2 miles, Ettrick and Yarrow, 2 rivers, running through Ettrick Forest, which is a sherifffdom (as Richmondshire in Yorkshire) in Tivisdale. There be yet some woods of Ettrick Forest along the two rivers remaining. Yarrow runneth into Ettrick about half a mile or more from Selkridge, and about a mile lower runneth Ettrick into Tweed, and about half a mile beneath that we take coble over Tweed, the form of it is as it were half of one of our barks. From

² to Gallowsheids, 2 miles, to which place is excellent good ground, and to Sir James Pringle his house³ did we go and there were we wondrous courteously entertained, he is one of the best husbands in the country as appeareth by his planting and suffering his tenants to hold on him by planting 6 fruit trees or 12 other trees, and if they fail, to pay for every tree not planted 4*d.*, he also finding two fullers mills and two corn mills. The town is a borough-barony, he himself is the sheriff of Ettrick and hath been these three years together, he is also a commissioner in the same sherifffdom, of which there be divers in all the sherifffdoms of Scotland, they being of the nature of our justices of assize in their circuits, above justices of peace; he is also a convener of justice, a justice of peace, he is a great man in his country. There are of the Pringles for some 8 miles up Gallo-water, gentlemen all of pretty seats and buildings.

¹ Blank in original—? Lindean.

² Blank in original—? Boldside.

³ Old Gala House, see *History of Selkirk*, vol. i. p. 541.

On the Sunday as soon as we came to the town we alighted and went to the church to him, he took us into his own seat, the one of the one side of him, and the other of the other side, we heard a good sermon the fore and afternoon, there was the finest seats I have anywhere seen, and the orderliest church.¹ Beside him is the Meageld hill, which word Meageld was a watch word to gather those of a company when they were dispersed in war.² He hath a very pretty park, with many natural walks in it, artificial ponds and arbours now a making, he hath neat gardens and orchards, and all his tenants through his care, he hath abundance of cherry trees, bearing a black cherry, some of which I see to be about 30 yards high and a fathom thick (*sic*), great store of sycamores, trees he calleth silk trees, and fir trees. He gave very great respect, and said he heard of my father's fame. I see there the finest gun I ever beheld which was the King of Spain's. In Scotland the wives alter not their surnames. They served up the dinner and supper with their hats on before their master, each dish covered with another, then was there a bason withheld for to wash our hands before we sat down, then being seated Sir James said grace. Their cheer was big pottage,³ long kale, bowe or white kale,⁴ which is cabbage, breoh sopps (?), powdered beef, roast and boiled mutton, a venison pie in the form of an egg, goose, then cheese, a great company of little

¹ The church of Galashiels was built in 1617, and is described by the Commissioners in 1622 as "well built, comely apparalled."—*History of Selkirk*, i. p. 486.

² Meigle hill—locally called Maigelt. Although it is not known that the Pringles had a war-cry, yet the name of this hill may have been the gathering-cry of the Pringles as Bellenden was of the Scotts.

³ Big = barley—potage = broth with vegetables in it.—*Jamieson*.

⁴ Bow-kail = cabbage, so called from the circular form of this plant.—*Jamieson*.

bits laid on a pewter platter, and cheese also uncut, then apples, then the table-cloth taken off and a towel the whole breadth of the table and half the length of it, a bason and ewer to wash, then a green carpet laid on, then one cup of beer set on the carpet, then a little long lawn serviter,¹ plaited up a shilling or little more broad, laid cross over the corner of the table and a glass of hot water set down also on the table, then be there three boys to say grace, the 1st the thanks-giving, the 2nd the pater noster, the 3rd a prayer for a blessing to God's church, the good-man of the house, his parents, kinsfolk, and the whole company, they then do drink hot waters, so at supper, when to bed, the collation² which [is] a doupe³ of ale; and also in the morn and at other times when a man desireth to drink one gives them first beer holding him the narrow serviter to dry his mouth with, and a wheat loaf and a knife, and when one hath drunk he cutteth him a little bread in observance of the old rule, *Incipe cum liquido sicco finire memento*. When we came away in the morn having walked abroad into park, gardens, and other places, and having very well with rost &c. (*sic*) Sir James set us 2 miles, and his 2nd, his eldest son better than 4, and writ us letters to Edinburgh. The Pringles glory in that they were never but on the King's part in all the troublesome times, and they therefore of the states were envied, for they never 'lowped'⁴ out with any of the lords nor were attainted.⁵

¹ A linen napkin.

² "A drink when one goeth to bed." See p. 43.

³ Stoup = a pot or flagon.

⁴ "To loup in" = to change one's side or party suddenly.—*Jamieson*.

⁵ It is sad to think that Sir James' later years were embittered by pecuniary embarrassment, and that he had to leave his family mansion for Smailholm Tower, where he died in 1635.

Sir James told us of a man that said to king James when he was hunting that he would show him a buck that would let him take him by the baaes, stones, speaking jestingly. At Sir James' house they have a thing called a palm¹ in nature of our ferula, but thicker, for blasphemers. England and Scotland wooed roughly before they wedded. Sir John Scott² one of the secret council is his son's wife's father.

Gallow water runneth into Tweed about a mile beneath Gallowsheids and a little beneath its meeting with Tweed. On Tweed there hath been a very strong fortified bridge³ having the tower yet standing which was the gate to the bridge in old time. 3 miles over the hills side on Gallowsheids is Lauderdale, Lauder itself being one of the ancientest burghs thereabouts who will take toll on the King. In it dwell many of the Lauders, one of whose houses⁴ is very fine one, there running a river hard by it called Lauder. Of this Lauderdale Viscount Metlin⁵ or Matlin is viscount. The gentlemen and gentlewomen call their men and maids Mist'ers and Mistresses.

From Gallowsheids to Windeleys,⁶ one of the Pringles, 2 miles, it stands in a dale up which dale is a pretty wood on our left hand; within the sight of the same side another of the Pringles, his house is called Torretleys⁷ on the other side of the water on the

¹ A willow-rod?

² Sir John Scott of Scotstarvet.

³ Spanning the Tweed at a place now called Bridgend near Melrose —see Scott's *Monastery*, note to Chap. V., for a description of this draw-bridge.

⁴ Thirlestane Castle.

⁵ John Maitland, 2nd baron, was created Viscount Lauderdale 1616, and Earl of Lauderdale in 1624.

⁶ Blindlee Tower, the foundations only of which are now visible.

⁷ Torwoodlee.

right hand is another of them, his house is called Buckholme,¹ and by the water side he hath a wood called the Buckholme. From thence to Herret's² houses, a guest house where we alighted, is 8 miles, in which space we crossed the Gallowater some 20 times. From thence to Fallow Burne³ where we enter into Lowden⁴ one mile, from the Fallow Burne to Borthacke⁵ Castle 1 mile, from thence to Stobhill 2 miles, where all the coal pits are of the Leard of Erniston,⁶ a Seton,⁷ and Stonnobiars⁸ a lord's seat that was standing in a wood along a river side, all which now Seton the leard of Erniston hath bought of the Lord of Steanbiars, which Erniston for his wealth might buy out a lord or two. From the Stobhill in view on our left hand some 4 miles off is Erniston, a fine seat, from the Stobhill to Dawertey⁹ upon the river Keeth¹⁰ and a stone bridge over it, my Lord Ramsey's house seated on a rock, a fine building; 1 mile from thence down the river Keeth¹¹ not in sight and out of our way my lord of Newbattell¹² who sticked himself. From my Lord Ramsey's in our way to Laswade a market town one

¹ Buckholm, subsequently the scene of the laying of the ghost of a "Laird of Buckholm"—see *History of Selkirk*, i. 491.

² Heriot.

³ Falla, now Cakemuir burn.

⁴ Lothian.

⁵ Borthwick.

⁶ Arniston.

⁷ Probably a mistake for Dundas, as the Tower of Newbyres was acquired by Sir James Dundas in 1624 from Borthwick of Glengelt.

⁸ Newbyres Tower, the ruins of which are still standing, and are figured in the *Arniston Memoirs*, p. 19.

⁹ Dalhousie.

¹⁰ Dalhousie burn.

¹¹ The South Esk.

¹² Robert, 2nd Earl of Lothian, died 1624. "The Earle of Lothiane upon the aucht of yis instant cutt'd his awne throate in his study at Newbottell—from the lyke deid the lord preserve us all."—Letter from Gilbert Gordon to Sir Robert Gordon, Mar. 1624.

mile, it is seated on a goodly river and a stone bridge over it called the South river.¹ From the Laswade to Liberton church 2 miles, from Liberton to Edinburgh 2 miles. The hemisphere's circumference from Edinburgh is mountains, as is Westmoreland from about Lowther, but something plainer, and their mountains not so high. In view from Edinburgh 4 miles southwards is Keeth,² a borough where all the witches are burned,³ and Earl Morton's house is.⁴

There is also in view from Edinburgh's craggs Musselburgh upon the Frith's side some 4 or 5 miles off where the famous battle⁵ was fought betwixt the Scotch and English. From Edinburgh about a mile eastwards is Leith, the chief haven, having belonging to it 150 sail of ships holding about 200 tons.⁶ The lords, merchants, and gentlemen join in putting out ships to take prizes, of which we saw some 3 or 4 French and Flemings they had taken, there is a pretty harbour. This town was taken and burnt by the Frenchmen in Queen Elizabeth's time, and she sent the English which did remove them, some houses

¹ Now the North Esk.

² Dalkeith.

³ Unfortunately, Dalkeith was not the only place where witches were burnt, as our criminal trials too often exhibit examples of the dreadful cruelty perpetrated upon these unfortunate women. I am indebted to Mr A. Francis Steuart for the following extract from the Presbytery Records of Dalkeith for May 10, 1627:—"No exercise this day be reason ye breither waited on ye burning of Elet Brown, fugitive out of Inverkeithing, convict of witchcraft."

⁴ Dalkeith Palace, sold, with the barony, to the Buccleuch family in 1642.

⁵ Pinkie, 1547.

⁶ If this statement is correct, there must have been a considerable falling off in the shipping at this port during the next 25 years, since it appears from Tucker's account that Leith had then (1655) only twelve or fourteen vessels, "two or three whereof are of some two or three hundred tuns apiece, the rest small vessells for ladeing and carryeing out salt."—*Early Travellers*, p. 166.

we saw which were burnt but not yet re-edified ; before that time it was walled about, but now it is yet better than Carlisle, having in it two fairer churches¹ for inwork than any I saw in London, with two seats-royal in either. There be also two hospitals² one of which the sailors built, the other the tradesmen, there is a stone bridge³ over the river Leith here, hard by the town be oysters dragged which go to Newcastle, Carlisle and all places thereabouts, they being under 3*d*. the 100. All their churches be lofted stage wise about Edinburgh, Leith, &c., the women at Leith in one church had loose chairs all along before the men's seats. It is governed by two bailiffs. Eniskeith⁴ an isle in the Firth, a mile or two by water from Leith is famous for a fort on a rock in the same which the Frenchmen took when they took Leith (the English built it), and left a remembrance of their being there written in latin on stone. At Leith dwelleth my Lady Lincey who married her 6 daughters to 6 knights. On our right hand as we go to Leith is the castle of Stenick,⁵ old

¹ St. Mary's (South Leith) Church was restored in 1848 and is still in use, and St. Ninians (North Leith) Church was in use till the opening of the New Parish Church of North Leith in 1816.

² The Seaman's Hospital was dedicated to the Holy Trinity, and Trinity House now stands on the site of the original building. A stone with the following inscription is let into the wall facing Giles Street: "In the name of the Lord Ye Masteris and Marineris Bylis this Hous to ye Pour Anno Domini 1555." The other stood on the east side of the Kirkgate and was called King James's Hospital. It was built in 1614, and the site now forms part of South Leith churchyard.

³ Robert Ballantyne's bridge, built in 1493. When sketched by Clerk of Eldin in 1779, it appears to have been then in use, but now only part of one of the piers remains.

⁴ Inchkeith was fortified by the English in 1548, but when the French marched out of Leith in 1560 they left by arrangement sixty of their number in the castle on that island. It was, however, captured from the French the same year.

⁵ Probably Sterrock, the local name for Restalrig to this day.

and ruinated; the town of Leith is a borough, but holding on Edinburgh as Kingston-upon-Hull on York. The fort in Eniskeith hath yet command of the sea if it be well manned it will hold a thousand men. The passage in at the harbour at Leith is dangerous by reason of sprtes (*sic*) and shelves,¹ they cannot lash in but at a full sea. The harbour is compassed in with wooden fabrics 3 fathoms high and about 2 broad, strengthened by great stones thrown into the frame all but where the ships enter in at being but narrow.² White wine was there at 3*d*. the muskin, which is a pint.

Beyond the Frith in the sight of Edinburgh is Bruntelin, a harbour, town, and borough of regality, governed by a provost, who knoweth my Lord of Bruntelin a Melvin,³ dwelling there and 2 bailiffs, and 2 officers and sergeants. Their provost in Scotland is in nature of our mayor, bailiffs in nature of our sergeants-at-mace, or rather chosen to aid them, the officers they arrest if the bailiffs give them but warrant by word bid them, they are in nature of our bailiffs, and bear halberds. Here is a church square built, and it hath a seat-royal in it, there are no more churches in it, but yet they have a pretty 'towbeoth.'⁴ The Frith betwixt Leith and Bruntelin or Kengoren⁵ 7 miles, a mile or two above Bruntelin is Aberdour a⁶ the water⁷ running through it, one side my Lord of Morton's, the other side my

¹ *Qy*, Spates and shoals, *i.e.*, floods and sandbanks.

² See *Scotland before 1700*, p. 318.

³ Sir Robert Melville of Burntisland, one of the Lords of Session from 1601 to 1626. He succeeded his father as Lord Melville of Monimail in 1621, and died at Edinburgh, March 9, 1635.

⁴ Tolbooth = originally a place where toll or custom was taken, but now the term for a prison or jail.

⁵ Kinghorn.

⁶ Blank in original.

⁷ Dour burn.

Lord Murray's, a mile down from Bruntelin towards the main sea is Kengoren, a haven for boats and barks, all within the view of Edinburgh crags, and a borough regal, one Lyon is earl of it.¹ One church ; hard by it is there a spawewell.²

A mile beneath Kingorin is a borough regal and haven as big as Leith called Kirkaldy a borough regal ; one church, one towbeoth.

A mile beneath Kirkaldy is there another harbour for boats and barks as Kingoren called Dysart the wealthiest and biggest of that coast. Kirkaldy and this have markets every day in the week, Bruntelin and Kingoren but one day, it is a borough regal, a mile beneath it is Weemes, a borough and barony on the sea coast, no haven, and Colinn³ is lord of Weemes.

Now having gone about the circumference I will come to the centre, videlicet—Edinburgh, whither we came on the 9th of November; there dismounted we ourselves at Mrs. Robertson's the stabler in College-wind where during our abode our horses were, and fed with straw and oats, no hay; straw, 24 hours 3d.—oats 3d. a capp⁴ which is a hoop. From thence we went to our lodging at Mrs. Russell's in Bell-wind. An agent who is in nature of our English attorney's and three of us paid for our chambers, fire, and bedding 10d. 24 hours which [is] 5s. 10d. the week, ordinary we had none but paid for what we called. That night being wearied we

¹ John, 2nd Earl of Kinghorn, an ancestor of the Earl of Strathmore.

² Taylor the Water-Poet gives a description of this well in 1618; and for further information, see *Early Travellers*, p. 118.

³ Probably James, 2nd Lord Colville of Culross, grandson of Sir James Colville of Easter Wemyss.

⁴ Cap = the fourth part of a peck.—*Jamieson*.

rested ourselves, the next day viewed we their castle which is mounted on stately rocks, having the whole town of Edinburgh, Leith, and the sea in its eye; there is a fair pair of gates with stone cut work but not finished, the porter had our swords to keep until we came back again out of the castle, there were about some 20 pieces of ordnance ready mounted, brass and iron, one piece of ordnance¹ there was bigger than any else either in the munition house or any other which I saw to be about 4 yards long, and the diameter 20 inches, there being a child gotten in it as by all it was reported, the bullet of stone she shooteth is of weight 19 stone 4 pounds 3 ounces, after the troy-weight 20 pounds to the stone; there be great many of vaults some 6 yards by , which the castle keepers say would contain 1000 men. The building is no bigger than Appleby castle, within it is a powder mill, corn mill, &c. There is also a hewn stone well 30 fathoms deep, the water is drawn up with a wheel which one goeth in, it is hewn so deep through a rock of blue-stone; there be little wooden watch-houses, to watch in every night.

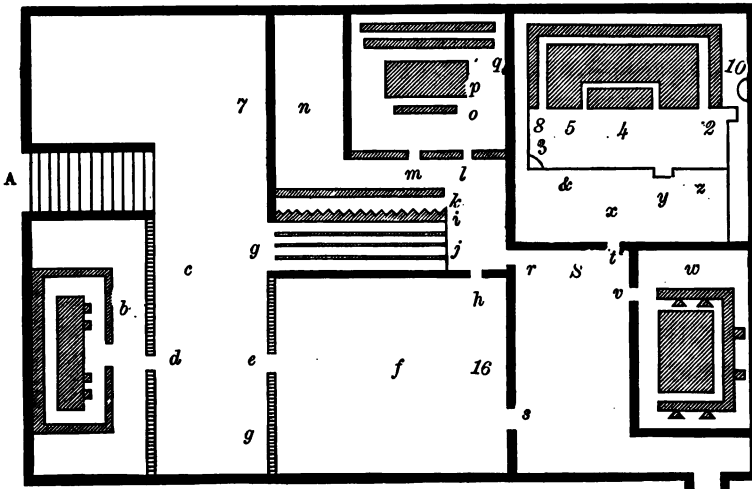
From the castle we went to the Courts where we saw all the 14 Lords sitting in the inner house in their robes, being a violet colour faced with crimson velvet of the fashion of our Judges, the 15th Lord sitteth in the outer house. The chief of these 15 is the Chancellor, the 2nd the Lord President, the 3rd the Lord Advocate, the other 12 sit in council in the outer house each third week, beginning at the ancientest [1st of the inner house and 15th of the house itself, then of the laws and order of the house,

¹ Mons Meg.

then so of the outer house],* and of the commissary's court, and of the force of the presbyteries, &c.

[*The Inner House.*]*

*The Courts.*¹



* The passages in brackets are struck out in the original.

A, the stairs up into the Courts; b, the commissary court; d, the door into it; c, a void place to walk in;

¹ At the time of Lowther's visit, the Lords of Session sat in that part of St. Giles' Church latterly called the Tolbooth Kirk, and the above plan probably represents the nave of the Church, which was cut off from the rest of the building by a partition wall.

Chambers, in his *Reekiana*, p. 174, says:—"There are many passages in old books and manuscripts which render this fact quite plain, though, curious as it is, it has never been hinted at in any history of the city." He gives the following quotations in support of his statement from, 1st, *The Memoirs of the Somervilles*, written in the reign of Charles II. "The regent [Morton] went to the house [that is, the meeting-place of the Court of Session], which was the same which is now the Tolbuith Church." 2nd, "When the noted tumult of December 17, 1596, broke out in the Little Kirk, King James was sitting in the Tolbooth adjoining (for the church had now got this name), superintending, as was his frequent custom, the administration

g, a wainscot partition; *e*, a door which a maser keepeth; *f*, the place where those in readiness which have business; 16, a wall crossing over-thwarte; *h*, a door through the high wooden partition into the outward house the 2nd court; *g*, stagewise seats into which any may go out of the void place (viz. *c*); *i, j*, a pale to forlet any to go off from the stagewise seats into the Court; *k*, a long backed seat for lawyers and expectants to sit on; *l*, the door in at which the Macer and Judges, &c., go within the bar; *m*, another door on either side of which the advocates, defendant, and pursuant, plead; *n*, a place for the idle advocates to chat and walk in; *o*, a seat where the Registers sit at the table *p*; *q*, the two ascending seats on the lowest of which other clerks and registers sit, on the highest the single Judge; 7, a wall; *r*, a door out of the outer house into a walking place before the inner house over which hangeth a bell the string of which goeth into the inner house by the judges' heads; *s*, another door into the inner house retiring place; *S*, a partition wall; *t*, the door into the inner house; *v*, a door into a severed place for any man's private

of Justice." *Issachar's Burden*, by Bishop Manwell in the *Phoenix*. 8rd, Row's *History of the Church of Scotland*. "1633. In the month of August this year the town of Edinburgh, being earnestly desired by their ministers to provide another house for a Parliament House, and wherein actions may be pleaded rather than a 'pairt of the Kirk, where God's word should be preached,' " &c.

Besides these he might have instanced Father Alexander Baillie's account of the secular uses to which the church was put in 1628, quoted by Dr Laing in his *Charters of St. Giles*'.

Chambers also states that the Tolbooth Kirk continued to be the meeting-place of the Court of Session, till the present Parliament House was finished in 1640, when it was finally restored as a church.

In making this inquiry I have been cordially assisted by ex-Bailie Peter Miller, F.S.A. Scot., who has kindly placed at my disposal some materials regarding the existence of the various Tolbooths in Edinburgh. These I have printed at the end of the book as an Appendix.

dispatch, as for writing of letters or other things, conferences, &c. ; *w*, the seats and table ; *x*, a vacant place for clients and other concourse during the advocate's pleading or motion before the Judges ; *z* and *g*, the bar on both sides of the door, the one for the defendants and their advocates, the other for the pursuers, &c. ; *y*, the entrance for the Judges and Registers ; 5, the table with 3 sides about the outside of which, on 8, sit the Judges, my Lord Chancellor in the midst and in a black gown, the President of the sessions on his right hand in a purple gown faced with red velvet, and so the rest of the lords except the Lord Advocate, who is in black, and sitteth in the corner 3, and in degree is next the President ; he is in nature of the King's Attorney at London, and pleads for the King when anything toucheth him, and also for other persons and still with his hat on if so it please him ; 4, the form before the table on which the Registers sit, being men of good esteem, but bare-headed ; 2, the door to the chimney ; 10, the chimney, over the head is it fine fret plaister work, and in the windows behind the Judges are there the volumes of their law. Under part of these Courts is there another court called the Court of Justice, and hard by is the Lord Provost's Court, and first of the Commissary's Court beginning *ex minimis*, to it belongeth 4 Judges which formerly have been advocates, they be, as I perceived not much respected, the matter of the court be legacies, wills and testaments, debts under 40*l.* sterling, yet one may have a man for 1000 or more, but then it must be in general debts, never one amounting to above 40*l.* Their trials are wholly by oath and witnesses. Next, of the outer court, which doth but as it were prepare things for the

inner house, here doth sit always but one judge, and he is one of the 12 of the 15, which 12 according to their seniority sit here each their week in course, the other 3, viz. the Chancellor, President, and Lord Advocate are exempted. In the morning still before the Judge comes in be all the parties called into court which that day shall have any business, then entereth in the judge, and all trivial civil matters he judgeth and likewise all great matters he handleth and at leastways prepareth if not judgeth it himself and if any like not of the judgment of this court they may have it to the inner house, but if the judges of the inner find the judgment to be good, the party which troubled the inner house with it will be punished, the process of the court being 1st a summons, attachments, &c., then a Ditte which is in nature of our declaration, to which the Defender most commonly answereth by word himself and not by way of replication in writing, and if it be about a Horning matter which is in nature of our outlawing, then there goeth forth a caption and upon that a Horning, which Horning is publicly read on the market cross at Edinburgh. Now a Horning is a writing setting forth the whole matter and cause of it, with the reasons why so, and this Horninge pronounceth him a rebel, and yet notwithstanding this Horning may be reversed, as our outlawry. In this court is always great noise and confusion, but the inner house very orderly as shall appear, it only medleth with things not determined or where his judgment is disliked. When they are all set the door is shut and none but themselves there they will ring a bell (and then openeth the Maser the door) when they have any business, and the Maser as they bid

him will call the parties and their advocates whom they would have which go in thereupon with their cause ; at which time the Maser will suffer any stranger to go in and hear the cause pleaded upon acquaintance. The form of their pleading is 1st, the advocates and their clients stand each on either side of the door through the bar, at the bar, and the advocates plead in Scotch before them, and in the then time of their pleading their clients will put a double piece or more, with an ordinary fee with the poorest, and will say to their advocates 'thumb it thumb it,' and then will the advocates plead accordingly as they feel it weigh. Their pleading is but a kind of motion, and especially the first 6 weeks in the session for then is there nothing else but motions. Most of their law is Acts of Parliament and Regiam majestatem, and their judgments given in court which we call reports, only they corroborate their cause with civil arguments and reasons. After their motion which is but short, they are all dismissed, the door shut, and then it is voted amongst the judges and according to the number of votes it is carried, and then the Chancellor, if present, if not, the President, and if not he, in order the next, giveth sentence accordingly, it still remaining hidden to the parties the carriage of the matter ; and so when this matter is done to the next, but note that the parties with their advocates will acquaint the Judges with their case before it comes to hearing, which they say maketh quicker dispatch, and note further that advocates will commonly have a 'kove'¹ or such like thing sent them to make way unto them for their clients beside their fees, by which exorbitant kind of fees they become the greatest purchasers in

¹ Kow—custom.—*Jamieson*.

the kingdom. They have most of them been travellers and studied in France, but whether they have studied at home or in France they thus proceed, advocates, viz. :—they first get a petition to the Judges that they may not be hindered by the Masers, but have free access to the Courts, [and] hear their manner of pleading, from which time till they be advocates they are called Expectants. Now as soon as they think themselves fit and dare venture to undergo trial, they will further petition to have a lesson, to dispute a question before the Judge, upon which if they be thought sufficient they are admitted and sworn advocates. A story—One being to [be] made Judge of the Session not long ago, there being in his oath not to be partial, he excepted to his friends and allies. Another—A borderer in a Jury gave amongst his fellows wittingly a false verdict, and being asked why he did it, he said it is better to trust God with one's soul than their neighbour with their geere. The poor clients say there be great delays in actions some 7 years, some 12, 20, 27, &c., but the advocates shuffle it off and deny it, yet I heard of one who offered the one half to recover the other, and for an advocate or other to buy an action depending in suit it is common with them, and they hold it reason that when a man cannot defend his own cause that he sell to another who can. Forgery is death with them, perjury the loss of their hand or ears, as the quality of the persons requireth. If a clerk do but miswrite anything it is death. Hereditaments descend, conquests purchases ascend, as from the son to the father, dower and conjunct fee, jointure is as in England, almost. The form of their writings is almost the same with ours, their dignities, wards, reliefs, and

marriages as with us ; but not the form of marriages, they are asked in the church as with us, the priest will appoint what company they shall have at church, but after marriage there will be continual feasting and mirth for some 4 or 5 days together, during all which time there will be presents offered to them, as all kinds of household stuff, feather beds, pots, pans, &c., and goods, as sheep, oxen, horses, kine, &c., often to the value of 500*l.* sterling, but according as the person is more or less ; for offerings in the church they do not use. Men seldom change their servants ; the gentlemen and knights, &c., usually do ride with trumpets. The last year, 1628, the Judges went circuits, but it is doubted whether they will hereafter do so or not. The Scotch nobility do dilapidate their estates and impoverish their own kingdom by frequenting the English Court. Their trading is almost wholly with England, their wines excepted, which they buy in France custom free in regard of their old league with them. Their own chief commodities are grain, sheep, and runts,¹ salt and coal, and of coal it is observed that there is none but between Trent in England and Tay in Scotland, which cometh from a great lough so called, and glideth by Perth and Dundee. Lough Nesse beside Murray-Land and the river which runneth from it is so fierce that it never freezeth and though ice come out of another river into it yet it instantly thaweth and becometh water. That of Lough Mirton, Lough Lomond, the Deaf stone, and the Cleke geese is reported for truth as Holingshead writes it.² There be

¹ Cattle.

² All these marvels are described by Boece in 1527—whose account of Scotland was embodied in “*Holinshed’s Chronicle*.” For Boece’s remarks on Loch Ness, Loch Merton in Galloway, Loch Lomond, the Deaf Stone near Ayr, and the Barnacle Geese, see *Scotland before 1700*, pp. 74, 69, 71, 70, and 89.

at this time three of the greatest men in the kingdom papists and their eldest sons protestants, which is remarkable, viz., Argyll, Hamilton, and Huntley whose eldest son is esteemed the ablest man of body in the kingdom, and will familiarly go in the mountains after the deer 80 miles a day.¹ But I am afraid I have digressed and therefore I will return to the courts. The sheriffs be now most of them annually chosen, and the sheriff of Lothian this year, 1629, is my cousin Sir Lewis Lowther² who was very glad to see me. He keepeth his court twice a week, in the afternoon, Wednesday and Friday in the outer court, at which times the 4 Lord Justices sit upon criminal matters in their own court, and their criminal offenders may have advocates to plead for their lives before the Judges. Over the Lords of the session be there 4 other lords of the Secret Council, which may sit and give their votes amongst them if they will, and they be but as spies over the rest to mark their doings, and inform the king of it. The general Justice which is through the Kingdom is by the conveners of justice at Quarter Sessions Commissioners when it pleaseth them, and sheriffs at their courts when they appoint them, but the Judges of the session bear such a hand over them as they will call in question almost every thing they do, let them do the best they can. When one is out of the Borders, and especially the further North-east is very safe travelling, safer than in England; and much civiller be they, and plainer

¹ ? George, afterwards 2nd Marquis of Huntly, who was executed twenty years later at the Market Cross in Edinburgh as an adherent of Charles I.

² On p. 46 he is alluded to as Sir Lewis Lawder, Sheriff of Lothian, but I have been unable to verify the statement, as no list of the Sheriffs of Lothian of this date is accessible.

English, yea, better than at Edinburgh. Their tillage like ours they use much liming of their ground, and they plough their ground all in winter, and in the spring then only harroweth it and soweth it. Their mason and joiner work is as good if not better than in England, most of their wear is English cloth. They have very good meat, fish, flesh, and fowl great store, but dress it not well ; in the South it is as dear as in the South of England, but in the North, about Dum-barton and thereabouts wondrous cheap, a goose for 4*d.*, and so proportionably of other things. Their drink is almost altogether ale and hot waters, and in the North most hot waters ; wine is 6*d.* a quart, sack 1*s.* 1½*d.*

Now having passed through the Courts we will enter the town, in which there is but one street of note called the High Street, beginning at the Castle and going down to the Neitherbowe which is one of the bars or gates of the city, and strait on to the Abbey which is the King's Palace, but the street from the Netherbowe to the Abbey is called the Cannongate, the one side of which is a liberty of itself, the other side belongeth to Edinburgh, as Holborn one side to London the other to Westminster. They have a fine Towbeoth¹ and prison in it, this street and the High Street are but one street called by strangers, the next street is Cowgate within the city as long as either of them but narrower, the rest but winds and closes some 2 yards broad. The Abbey is a very stately piece of work uniform, and a dainty neat chapel in it, with a pair of organs in it, and none else in the city, they being puritans. There be fine prisons of a great height, and fine hewn stone buildings. There be 5 churches, of

¹ Canongate Tolbooth, built in 1591 and still standing.

which St. Giles' is chief because of the stately steeple, —before Bowbells church in London, having in it one great bell which they do not ring but tolls at 10 o'clk at night, and 4 others. At Grey Friars their tombs be in the church-yard walls but none in the church, there is one hospital within the walls, another without, which Herret¹ the King's jeweller at his decease gave money to build it. There is one college which King James founded, being governed by a primate and other sub-regents to read to the several years which follow here in order, there be 5 classes or seats in it, 1st of Humanity, the 2nd of Greek, 3rd of Logic, the 4th of Natural philosophy, the 5th of Mathematics, and Arist de cœlo.² The 1st year of students be called scholars, the 2nd Semibijani, the 3rd Semibijani, the 4th bachelors, the next degree, Laureates or Masters of Arts,³ and no further, tutors they call pedagogues. We supped with Mr. Addamsonn,⁴ primate of the same on Thursday at night, and much made on were we. There is one part of the college built by the Senate and people of Edinburgh, which is better than any part of the college beside, with this inscription, *Senatus populusque Edenburgensis has ædes Christo*

¹ The building of Heriot's Hospital was commenced in 1628, but it was not ready to receive scholars until 1659.

² "In the Magistrand year, after a repetition of all gone through, the *De Coelo* of Aristotle and the *Sphere* of Johannes de Sacrobosco were read."—*Grant's Story of the University of Edinburgh*, i. p. 149.

³ "In 1583 the curriculum was divided into four sessions or classes, and the old University nomenclature for these classes was retained. The first was styled the Bajan class, as consisting of Bajani or Freshmen; the second Semies, or Semi-Bajans, or Semi-Bachelors; the third Bachelors, or Determinands, because at the end of that year they might 'determinate' whether to finish their course with the imperfect degree of Bachelor; and the fourth year's class consisted of Magistrands or Students about to be made *Magistri*."—*Grant's University*, i. p. 144.

⁴ John Adamson, fifth Principal, 1623–51.

musisque struendas curarunt:¹ there are some 300 students in it, the primate is severe, he hath a little dog following him, and 2 fair daughters, and an unhappy lad said he would wish nothing but to stick his dog and move his daughters. At the end of every year they analyze their whole year's work, when they go out Laureats they repeat their last 4 years analyses and they then be their own tutors. There is a place which they call the Society of Brewers,² where the beer and ale is brewed to serve the city and they be Englishmen, they called us into their butteries and made us drink gratis, there they have wondrous fair brewing vessels and a fair kiln. There is also the Custom house not far from St. Giles' church with 3 fair arched entrances, over it is the place where butter is sold. The town is governed by a Provost which is [in] nature of our mayor, they not having any in Scotland, by 4 bailiffs and 36 of his council, in nature of our aldermen, the mayor's brethren and other under officers; the bailiffs arrest, and the officers may also if the bailiffs bid. There is an officer they call the Danegeld³ which disburseth money for the town before the bailiffs, they call him lord. At 4 o'clk in the morning and at 8 at night goeth a drum about the town and so in other boroughs. The nobles (?) have to carry up the supper, a trumpet sounding. All their gentlemen be courteous and affable, but hosts⁴ and the country clowns be

¹ The stone bearing this inscription is now built into a vestibule on the north side of the University quadrangle. For another reference to this curious inscription see Saint Fond's *Travels* (circa 1784), vol. ii. p. 225.

² The site of the Brewery is still called the Society, and the Association dates back to 1598.

³ The Dean of Guild.

⁴ Innkeepers.

careless and unconscionable in their usage to strangers.

[Statutes and Customary Lawes ;

1 : y^t none lende out mony to intereste (w^{ch} is 10^t in y^e 100) but y^t y^e Kinge have ye 20th penny of ye interest if ye mony lended be above 27^t and a marke, but if under y^t, y^e Kinge hath nothinge: as of ye interest of a 1000^t ye Kinge hath 5^t & if they misse of payinge that 5^t, law procedeth against them, but if concealle it and doe not goe to ye Shiriffe clarke to enter it in ye Inventory which Invent. is given up into ye Exchequer, he forfeiteth ye hole interest as long as it is concealed. Conquesting of land(;) purchasing of land. In ye low lande of Scotland ye tenants under there lords have but an Estate from yeare to yeare & the Lord may change his t'n't if he will ; and in ye high land most t'n't (pur vie)].¹

On the 10 of November being Tuesday at 12 of the clock see we 3 heralds standing on the public cross² which is in form of a turret but not garretted, and a wood beam standing up in the middle, the unicorn crowned on the top of it, there is a door up into it. These 3 heralds one after another did proclaim an edict concerning the papists of Scotland, reciting them by their names, which get if possible, both before and after they proclaimed 3 trumpeters sounded, and so still they do if it be from the King or his council, but if some common proclamation not so in state. On this cross be all noble men hanged and headed, as about 9

¹ This paragraph does not appear in the printed "Report," and is now given verbatim from the original with the spelling unchanged

² The old cross of Edinburgh, restored in 1885, and now standing to the east of St. Giles'.

years since, 1619 or thereabouts, the Earl of Orkney¹ headed, his son hanged, and others, for the keeping a castle against the King being treason; on this cross be citations read, denunciations, and hornings denounced.

On the 14th of November I went to Leeth whereof more before, crossed the Firth to Bruntelin, which is 7 miles, from thence to beside the Leard of Dowhill² a Lincey, 8 miles, 2 miles before we came thither is the river of Ore, narrow but deep and fierce we rid it the height of the horse's mane and the fierceness of it turned the horse off his feet. From Dowhill to Geaney Priggle³ which parteth Fife and Kinross-shire one mile, from thence to Kinross at the West end of Lough Leven, a borough barony, 2 miles, it is a market town, the Lough Leven is 4 miles square, which is 16 miles about. So far is the land good, but here and there many high rocks and hills, in this lough is fish every day in the year gotten for store, none in Britain like, and consider the bigness of it, as also for fowl. The general kinds of fishes be these—the pikes of which many as big as a man, eels, gelletoughes, chars, perches, camdowes,⁴ a kind of trout which have not scales, grey trouts, gelletough is the he char, sysbinge the she. There is a river they call the Leven running out of it 8 miles into the sea, and in it is salmons. In the midst of this lough is a castle of my Lord of Morton's, well fortified

¹ Patrick, 2nd Earl of Orkney, was beheaded at the Market Cross of Edinburgh, in 1614, for causing his son Robert to incite the people of Orkney to rebellion, and for retaking the Castles of Kirkwall and Birsay, which had formerly belonged to him. His son, Robert Stewart, had been executed the previous year for the same crime.

² The Castle of Dowhill belonged to a branch of the family of Lindsay; its ruins are still to be seen in the grounds of Blairadam.

³ Gairney-bridge.

⁴ Camdui = a species of trout; *cam*, crooked, *dubh*, black.—*Jamieson*.

with good ordnance, the walls some 3 yards thick, a ship might sail in it, there [be] great store of almost all kinds of wild fowl, of wild geese there being continually seen 3000 or 4000, and swans many, the swans will not suffer any foreign swans to be with them, in stormy weather the old swans will carry the young ones on their wings off the water. King James desired to dwell in it, and did with the Queen only for his pleasure. The town of Kinross at the foot where I lodged on Saturday at night which is also my Lord of Morton's, he having another house there too. They dry them in their chimneys like red herrings.¹ It [is] governed by one bailliff, 2 officers. One church they have and a Towbeoth, it is the head town of the shire, and that after which the shire is named, Robert Crenyam my host of this place, one of the elders of the church, told us he saw some 30 years since on a ship which was come from the East Indies shells which in that 3 years' space had grown to the ship have the forms of fowl in them, as in an egg.² In Stirling, not far from the sea side some 15 miles there is a gentleman's estate much harmed by a strange outbreaking³ of the water on Christmas day in the afternoon, 1628, in a moss some 3 miles compass cast up and laid on good ground which hath spoiled the gentleman that mossy ground now covering their arable so thick as to the tops of the trees; and the 3 miles compass out of

¹ Referring probably to the salmon from the Leven.

² The well-known legend of the "Barnacle Geese."

³ The scene of this catastrophe appears, from *Nimmo's Stirlingshire* (p. 451), to have been a place called Letham Moss, lying between the parishes of Larbert and Airth; but according to a passage in *Chambers' Annals* (ii. p. 35), quoted from the Privy Council Records, the "out-breaking," in which the lands of Powes, Powmill, Carsebrook and Woodside were destroyed, did not occur till Dec. 26, 1629, which is of course a misprint for 1628.

which it was cast suddenly up became a great lough which before was a dry moss.

The Bleaching of Linen.

A good spinster will spin 2 hankes a day of that which will be 4s. 6d. the yard, and when the linen is in varne they seeth it half a day and more in the ashes of any green wood, and after that let it stand in it a day or more, they wash it by trampling it in hot water and then battling it in cold, some use raw daike(?) small wourt, and this is before it be in cloth, and when it is in cloth they take sheep dung and make it small, put it into hot water and steep the cloth in the same 4 or 5 days, they then wash it in hot water, battles it [in] cold water and after lies it by the water side by 8 days together casting water on it and never suffer it to dry, then they steep in the sheep dung and all more as before.

The Scottish Dialect.

Ingle, fire : Spence, boor in a country house : twill yee, will ye, t'wadd ye, would yow. Bigge, corne, bearre : a glutte of water, a draught of, &c. : excamen, exchange : lumant, chimney : through of paper,¹ sheet of paper : giggot of mutton and a spald of mutton, but that's commonly a shoulder : an oval pannier, a creel : a boat, a stand of beer : a stand, a barrel set end ways : my dowe, my wife : pantry, buttery : chap, strike : aught, eight : what hours, what a clock : wappe, throw : burne, water : serviter, a table napkin : a kealle² pie, a pie with pieces of cut mutton and prunes : a chair, chare(?) : a brase, chimney beam : chanle, a

¹ Jamieson has THROCH, THROUCHE, THRUCH—a sheet of paper.—*Pitscottie*.

² Qy. Kail.

candlestick : a coase or lededgalan,¹ a kitte : a picle or keoren² of wool is 100 stone of, &c. : a gritte(?) is all above a hundred stone. Their 100 stone of wool at Selkridge is 150 stone in England, their 14 is our 21. Report George Ribcall,³ burgess : silouir,⁴ bedtester : pendicle or paine, vallance of a bed : head cods, pillows : a drink of ale or beer, some ale or beer : penyells or drawers, curtains : close, courte : a manger is called a tenies(?): sriver, a writer : vote, voice, opinion : drite, shite : a lough, tarn or mere : blith, glad.

Measures of Liquids.

A bilder(?), a gill : a mushkin, a pint : a choppin, a quart : a pint, two-quarts or a pottle : a quart, a gallon or 4 quarts, this at Langholm and Selkridge.

Measure of Corn.

[At] Langholm their bushel is 6 pecks of Carlisle, the 4th part of one of their pecks is called a cappe, the price, 3*d.* ; a bushel of oats, 4*s.* ; at Selkirk so called also, and there a beat . . . or a is the same with a cappe or a heappe, the same at Selkirk, but their measure is less and at Edinburgh their forlet is our 6 pecks or thereabouts, 4 forlets is their bow, 16 bows is their chaldron, a bow of wheat is 10*l.* Scotch : bigge, 8*l.* Scotch : oats 6*l.* Scotch.

A horse will bear a bow 40 miles.

Avoldupoise—16 pounds to the stone, and troy

¹ COASE, coage ? a wooden vessel. LEID, *Brewing Leid*—an implement used in brewing. LAID GALLON—a vessel for holding liquids. *Jamieson*, who gives Balfour's *Practicks* as his authority.—Can LEGLIN or LAIGLEN—a milk pail, so effectively made use of by Miss Elliot in the *Flowers of the Forest*, be a diminutive of the same word?

² Keorn—curn, a quantity.

³ Riddell?

⁴ Qy. Sylour, a canopy.

weight 20 pounds to the stone is all through Scotland, and none other.

Wixe (?) him of, drink him of : please, like : no, not : woursill, change : partrick is the best peasant foull in the Brittany (*sic*) : creen,¹ rabbit : shanks, stockings : pantol,² pantables : mours, hills : bangistrie, wrangling : collation, a drink when one goeth to bed : diswynes, breakfast : smeringe, greasing : heartsome, delightsome : wilecoate, waistcoat : waterpot pots, chamber-pots : cracklike a hand-gun,³ a phrase applied to those who be bravado talkative folks ; a health used at Langholm taking one by the hand, the Lord's blessing light on your hand, yourself, and all your body beside : a sponnge (?), a brush : locky, an old woman : a wind, a lane, or rather an alley, as Ram alley at the Inner Temple at London ; a close, the same : a capp, a dish : a k[nock], a clock : skeith, damage : slay and thow the beer, warm : fue, lease : orelayer, a bawd.

Their Coins.

A Scotch penny the 12th part of an English penny : a turnamoure⁴ *aliter* a bodwell or a black dog, the 6th part of an English penny : a placke, the 3rd part of an English penny : an atchinson,⁵ the 3rd part of 2 pence : the dollar is with them 5s. wanting 2d., it being most of their money. Their 20s. is our 20d., their shilling our d., our cross dagger in gold is 11s. with them, our 22s. piece, 22s. 3d.

Necke, band : hands, cuffs : heugh, a little hill :

¹ Qy. Cuning.

² Pantours, slippers ?

³ To crack like a pen gun is still used colloquially.

⁴ A Turner, from Tournois, Twopence Scots, sometimes called a bodle, with the Thistle on one side and the Lion or "black-dog" on the other.

⁵ Acheson, a small copper coin, so called after the Master of the Mint to James VI.

moyne, money : dole weed, mourning apparel : sibb, akin or allied : clans, kindred : beosse, a box : shuts,¹ the oval holes in galleries : conjunct fee, jointure : chestons, chestnuts : a geene tree, black cherry tree : a powle foule, a turkey : a colen (?), a pair of snuffers : turnpike, turn stayre : anent, concerning : a fell spirit, a wise man : crackinge, drinking a while, or talking : ford, wath : rests, rents : holders, tenants : government, etc.

On the 15th day of November from Kinross to Millsforth,² better than a mile on the right hand, a quarter of a mile thence is my Lord Burley's house³ (a very pretty little one). From thence to my lord of Ballmannoe and Aughchinfleck⁴ 6 miles, from thence to Erne brigge,⁵ the toll of it belongeth to Perth, St. Johnstowne, St. John being patron of it. The sea floweth up so high, the bridge is four bowes⁶ long, the river runneth into Teath⁷ a mile and a half beneath the bridge. Beneath the bridge by the river side is my Lord of Munchreth, a Muncreeth, abowdrift lower eastwards is Sir John Muncreth⁸ of East Muncreeth, now deputy sheriff, whom they call my lord during the time of his office (and so are the provost and bailiffs of Perth, being 4, and their Council being 12, if it please your wisdom, King James during his life was provost of it, and my Lord of Scone⁹ his deputy, but since his death they choose one each year). Beneath

¹ Shots, a kind of window.

² In Blaen, Mills of Forth,—? Milnathort.

³ Burleigh Castle, now in ruins—see M'Gibbon and Ross's *Castellated Architecture*, i. 275.

⁴ Sir George Auchinleck of Balmanno, one of the Senators of the College of Justice from 1626–1639.

⁵ Bridge of Earn.

⁶ Arches.

⁷ River Tay.

⁸ Sir John Moncrieff of Moncrieff was created a baronet in 1626.

⁹ Sir David Murray of Gospertie, created Earl of Scone 1605.

East Muncreeth is Kellmoneth,¹ a seat of Sir John Muncreeth's, beneath it a mile Phingaske, my Lord Phingaske's a baron, his name is Dundas,² it is at the meeting of Teath and Erne, there is great store of fruit, and good grounds; a mile beneath on the river Teath is West Weemes castle,³ my Lord of Weemes, it is fine ground, and he hath salmon fishing. From Erne brigges to St. Johnstown 2 miles. St. Johnstown is walled and moated on 3 sides, on the 4th the river Teath, over which there was a bridge of 11 bowes, and 1621 or thereabouts⁴ was driven down by the water, the water is very rough and dangerous, boats go on it. Besides the lay government before spoken of there be deacons 9, as many as craftsmen, *videlicet*—hammermen, carpenters, scriners,⁵ gardiners, websters, wakers,⁶ fleshers, backsters, millers, under which all other trades are contained. Each of the deacons do receive apprentices, and redress all faults in trades belonging to them, and are termed lords, they are chosen every year; every trade sitteth in the church by themselves. There be 2 churches⁷ in the town, the one

¹ Kinmonth.

² John Dundas of Fingask was knighted at Holyrood by Charles I. in 1633.

³ Elcho Castle.

⁴ The flood occurred in Oct. 1621. For full account, see *Chambers' Annals*, i. 525.

⁵ Skinners.

⁶ Walkers, or fullers.

⁷ The Rev. Dr. Milne, Perth, informs me that there was only one church (St. John's) in Perth in 1629. This, however, was then divided into two portions—part of the nave having, about 1598, been partitioned off from the main building and formed what was known as the "New," or "Little," now the West, Kirk. The rest of the building—the choir, transept, and the east portion of the nave—formed what was called the Kirk, or Parish Kirk of the Burgh, and the steeple and bells belonged to it. This arrangement subsisted until 1771, when another partition was run up between the choir and the transept, and the present East and Middle Churches formed.

called St. John's church having 7 great bells, 4 little, and chimes, the finest in Scotland, the church is hung with many candlesticks. Here I saw a woman sit on the stool of repentance and the parson admonish her, adulterers here do stand bare foot, some half an hour at the church door, then at the beginning of the sermon they go into the church [and] sit on the stool of repentance; this they do at St. Johnstown for the space of a year, and they have a white sheet on during all those ceremonies for the first adulteries committed. For the 2nd [?].

Being Wednesday having crossed the Frith with much danger we went to Edinburgh and the weather keeping, Thursday and Friday we were taking leave of our friends, Mr. Primate, Advocate Fletcher, and my cousin Sir Louis Lawder, Shiriffe of Lowdin, who made much of me. We were offered acquaintance to my Lord Chancellor,¹ my Lord of Underpeter,² and others of the nobles, but we weighed more our own pains in going down the street than their countenance. On Saturday to Gallowsheids, half a mile from Liberton as we went is the oil well,³ which is like the fat in the beef pot, it is a present cure for scalded heads. A mile beyond Borthwick is a town called Middleton. At Gallowsheids we stayed all night and Sunday, and in the morning went away by 3 of the clock to Mr. Robert Pringle's at Baytingbush,⁴ from thence the next morning to Barronet Graham's at the Folde 2 miles whence back again we went after

¹ Sir George Hay of Nethercliff, afterwards Earl of Kinnoul.

² Probably Lord Innerpeffer, Sir Andrew Fletcher, a Lord of Session from 1623, grandfather of the celebrated Andrew Fletcher of Salton.

³ Balm Well of St. Katherine de Sienna.

⁴ In Blaeu, Batingbuss.

supper to Mr. Curwen parson of Arthuret, thence the next day at noon to Bleckhell where we dined whence home the next night.

[ITINERARY.

Thursday,	November	5, 1629.	From Lowther to Carlisle.
Friday,	"	6 " .	From Carlisle to Langholm.
Saturday,	"	7 " .	From Langholm by the Ewes Water and the Teviot River to Ashkirk and Selkirk.
Sunday,	"	8 " .	From Selkirk to Galashiels.
Monday,	"	9 " .	From Galashiels by the Gala Water to Edinburgh.
Tuesday,	"	10 " .	Edinburgh.
Wednesday,	"	11 " .	Edinburgh.
Thursday,	"	12 " .	Edinburgh.
Friday,	"	13 " .	Edinburgh.
Saturday,	"	14 " .	From Edinburgh <i>via</i> Burnt- island to Kinross.
Sunday,	"	15 " .	From Kinross to Perth.
Monday,	"	16 " .	
Tuesday,	"	17 " .	
Wednesday,	"	18 " .	Crossed the Forth to Edin- burgh.
Thursday,	"	19 " .	Edinburgh.
Friday,	"	20 " .	Edinburgh.
Saturday,	"	21 " .	From Edinburgh to Galashiels.
Sunday,	"	22 " .	Galashiels.
Monday,	"	23 " .	From Galashiels to Bayting- bush.
Tuesday,	"	24 " .	From Baytingbush to Arthuret.
Wednesday,	"	25 " .	From Arthuret to Bleckhell.
Thursday,	"	26 " .	From Bleckhell to Lowther.

Ed.]

APPENDIX.

THE TOLBUITHS OF EDINBURGH.

MR LOWTHER's description and plan of the Courts of Law in Edinburgh raises the question where these Courts were held at the date of his visit.

It is remarkable that we cannot now fix with certainty the place where some of the more interesting events of our history were enacted during a period of seventy years from 1562. Many of them are described as having taken place in the Tolbuith of Edinburgh; but as there were three Tolbuiths in the city during that time—(1) the Old Tolbuith (Heart of Midlothian), at the north-west end of St Giles' Church; (2) the New Tolbuith in the south-west end of the nave of St Giles' Church; and (3) the building outside the Church at its south-west end—it is difficult to identify the particular edifice meant. The first of these—the Old Tolbuith—was used only as a prison from 1563, and requires no further notice. The object of this enquiry is to show from contemporary historical and official documents the purposes for which the two others were used, and how they were designated by the authorities.

In order to understand more clearly the question at issue it will be convenient to go back to the origin of the proposal to erect a New Tolbuith.

Before Queen Mary's return in 1561, the authorities and citizens of Edinburgh had become alive to the necessity of providing more extensive and suitable accommodation not only for the Law Courts, but also for the proper conduct of municipal affairs. In June 1560, the Provost, Bailies, &c., considering "the great inquietation that they have had in past times within the Tolbuith of this burgh for lack of room to minister justice, and to do their other

affairs at all such times when the session [Court of Session] did sit, or when any courts and convocations were in the same, and also considering the scant of house and inconvenience of their clerk's chamber," and the expediency of having more commodious places and rooms "within their Kirk as may be a fair Tolbuith for serving the town in their affairs, and of all other necessary rooms upon the west part of the said Kirk," &c.; therefore they "ordained that James Barron, Dean of Guild, should, with all diligence, repair and big up a stane wall, &c., beginning at the south Kirk door called the Kirk-yard door, and straight north to the north Kirk door at the stinking-style, for the said Tolbuith." On 6th February 1561, Queen Mary issued her letter for the demolition of the Old Tolbuith (which was not taken down, however, until 1817); and in the meantime the Town Council were ordered to "provide a sufficient house and rooms for the Lords of Session, Justice, and Sheriff, ministering justice to the lieges of the realm." On 29th February 1561-2 the Council unanimously resolved to make the alterations proposed by the Queen, and the master of works was instructed to take down part of the Old Tolbuith, and "that the other tolbuith be made in the west end of the Kirk for the Lords of Session."

Up to this time there does not appear to have been any proposal to erect an additional building outside the church for tolbuith purposes; but a new tolbooth outside and to the south-west of the Church seems to have been built between 1563-5; and the name by which it was best known was the Counsal-house high and laich (low), while the term used to designate the Tolbuith in the Church was the Over or Upper Tolbuith.

The question of where the Lords sat for the administration of Justice, and where the Scottish Parliament met for about seventy years prior to 1640, depends upon the exact meaning of the above terms, and more especially upon the meaning of the term "Upper" and "Over Tolbuith." The Scotch Acts of Parliament do not afford much information on this point, as the notification of where the Parliament met usually runs *apud Edinburgh*; but two of the notices may be quoted. In 1617, when James VI. returned to Edinburgh, he appears to have resumed his old pastime of sitting with the Lords of Session and Parliament in the Tolbuith, and in the official notification (Acts of the Scottish Parliament, vol. iv. p. 527) we have this statement of where the Parliament sat,— "The Kingis Majestie and the fairsaids lordis of Articles, with

the saidis officeris of Estate, satt daylie and ilk day within the Over Tolbuith of Edinburgh, quhair the lordis sittis for administration of Justice, advysand upon the articles quilk were presented to Parliament," &c. Again, on 4th August 1621,—“The LORD COMISSIONAR and the foirsaidis lordis of Articles, with the saidis officeris of Estait, satt daylie and ilk day within the Over Tolbuith of Edinburgh, quhair the lordis sittis for administration of Justice, advysand upon the Articles quihilkis were presented to Parliament,” &c. The question is, to what building does the term Over Tolbuith apply?

While the term New Tolbuith was used at first to designate the building outside the Church, it appears, from the many references made to it in various official documents, that it was afterwards popularly known as the “town’s Council House”—High and Low—and that it continued to be known by that name down to the time when it was demolished at the beginning of this century. This is obvious from more than one statement made by the Town Council itself as to the arrangements for conducting their proceedings. On February 5th, 1565, an order was given that, “in all time coming, within the Counsall-house for the transacting of business,” they were to observe a particular arrangement; and in October of the same year, an Act passed respecting the ceremonial of holding a (town) Council ordains that “the uter north door, fornent the tour of the ‘Auld Tolbuith,’ shall be takkin and haldin fast induring the time of the Council.” October 1565: This determines where the Counsal-house was situated; it was the New Tolbuith outside the Church. Calderwood, in his notices of the meetings of the General Assembly of the Church of Scotland, mentions that they were held sometimes in the Counsal-house, sometimes in the Neather Counsal-house, and frequently in the Upper Tolbuith, and in the Neather Tolbuith. It is certain, therefore, that during these seventy years these names had a specific meaning, and applied to different places. This is proved by various references in the published extracts from the Town Council Records. In September 1578 the treasurer was ordained to wash with chalk the Ovir and Nether Tolbuiths and the laigh Council-house.

In January 1563 a bar was ordered to be made for the Court of Session in the Over New Tolbuith; and in February new seats were built there for the Lords.

In 1573 “the bailies and Council ordains the treasurer to pre-

pare the ovr house of the turnpike above the entry of the Lords' Council-house for the Lords' interpreters of the laws."

In January 1580 the Treasurer, Andrew Stevenson, was instructed by the Town Council, and with the advice of the President and other Lords of Session, to make a round table in the Lords' Counsal-house, &c.

On 13th May 1586 the Treasurer was to stuff and mend the cushions of the Lords' Inner Counsal-house, and to purchase for the said house sufficient board cloths.

May 18, 1586, Andrew Slater, one of the Bailies, was to agree with David Workman to paint the walls of the Lords' Inner Counsel-house for the sum of 20 merks.

These extracts show that the Lords had a distinct portion of the Tolbuith set apart for their accommodation, and that they had both an inner and an over Tolbuith.

We have further the statements of Spottiswood in his History of Scotland, Birrel's Diary, Calderwood's History, and the account by the King himself of the tumult that took place on the 17th December 1596, as given in his Royal Proclamation made the day after, and published at the Market Cross of Edinburgh after he had left the city for Linlithgow. "By some occasion the King was that day come to the session, and being in the upper house,"¹ the proclamation says, "the King, considering the late treasonable uproar moved by certain factious persons of the ministry of Edinburgh, who did convene a number of noble-men, barons, and others in the Little Church, and sent some of their number to his Majesty, being then in the upper house of session." This disturbance was followed by the passing of an Act of Parliament, January 1597, for dispersing the city clergy from their manses in the Kirkyard close,² "and that the laich tolbuith ewest (bewest) thereto, now callit the townis Counsalhous, salbe apointit and keipit for the chekker in all times hereafter." Birrel in his Diary³ says: "There was an honest man, who was deakon of the deakons, named John Watt, Smith. This John Watt raised the whole crafts in arms, and came to the Tolbuith, where the entry is, to the checkerhous, and there cried for a sight of his Majesty, or else he would ding up the door with fore-hammers. The King looked out the window and spoke to the crowd." It

¹ Spottiswood, vol. iii. p. 28.

² Acts of the Scottish Parliament, vol. iv. p. 107.

³ Birrel's Diary, p. 39.

is clear from these statements that the King was sitting with the Court in the upper or over house of the Tolbuith in the west end of the Kirk, and that when the tumult arose he retired to the upper flat of the Town's Counsal-house at the west end of the kirk, and that he was there when deacon Watt came with the craftsmen to his rescue.

The facts mentioned justify the conclusion that during the seventy years in question the seat of justice in Edinburgh was the Tolbooth, in the nave of St Giles', notwithstanding the statement of Maitland, in his *History of Edinburgh*, that the New Tolbooth outside the Church was erected for the use of the Court of Session. The only objection that can be made against this conclusion is the statement in Birrel's Diary, Nov. 1, 1598, p. 48, that the Tolbuith in the Kirk had undergone some alterations so as to be used as a Church; but within five years the Tolbuith was restored to its former condition; and during these years some minor changes were made for the accommodation of the Courts. The Laich (Low) Tolbuith was fitted up as the Outer House for the Lords of Session by taking the lofting from the Over or Upper Tolbuith. "This alteration was done under special warrant of His Majesty, and the Lords of Session themselves declaring their satisfaction and contentment to use the Laich Tolbuith for the Outer House till time and occasion may arrive that ane Tolbuith be biggit." (Books of Sederunt, Part ii. fol. 262.) It is obvious that this was a mere temporary arrangement for the Outer House, and accordingly the Court continued to occupy the Tolbuith in the Kirk, though it was used on Sundays as a place of worship.

Pitcairn in his *Criminal Trials* gives several cases that were disposed of in the Over Tolbuith during those five years, one of which clearly shows that the Tolbuith in the Kirk was still used as the Seat of Justice while it was used for preaching, and that in June 1601—the date of the trial—the Court-house arrangements were exactly the same as in 1629, when Lowther made his diagram. In this trial the libel narrates that "the accused, being within the Tolbuith of the burgh of Edinburgh, in the back house thereof, which is between the Outer Tolbuith and the Inner Tolbuith, His Majesty being for the time, in proper person, sitting in the Inner house with the Lords of his Council and Session for administration of Justice, did commit an assault," &c.¹ This shows that the Court

¹ Pitcairn's *Criminal Trials*, vol. ii. p. 358.

of Session did not give up using the Over Tolbuith in the nave of St Giles' as the seat of Justice.

The account given by Father Alexander Baillie of the secular uses to which the Church of St Giles was put, as quoted by Dr Laing in his *Charters of St Giles'*, is also important, for he says, that "the west end of the Church is divided in a high house for the Colledge of Justice, called the Session or Senate-house, and a low house called the Low Tolbooth, where the Baillies of the Toune use to sit and judge common actions and pleas in the one end thereof, and a number of harlots and scolds for flyting and whoredom inclosed in the other." This is confirmed by the statement of Row in his *History of the Church of Scotland*, p. 356 :—"In the moneth of August this year [1632], the Toune of Edinburgh being earnestlie desyred by their ministers to provyde another house for a Parliament House, and where actions of law may be impleaded, than a part of the Kirk where God's word should be preached, and whilk should be an house of prayer, began and founded a fair and great house for the uses aforesaid." Both of these statements are confirmed by Charles the First's Proclamation for the taking down of the west and east walls within the Kirk, dated 11th October 1633, so that Lowther's diagram cannot apply to what was called the New Tolbuith outside of St Giles' Kirk. Lowther's plan is valuable, inasmuch as there are no plans in existence of this period to show the arrangements of the Courts, though it is unfortunate that there is no scale upon it by which the extent and size of the apartments can be determined.

An old plan made in 1790 with reference to the proposed building of the Signet Library, shows very distinctly the relative position of St Giles' Kirk and the Tolbuith erected in 1563-4. The ground plan of the Tolbuith measures, in its greatest breadth from east to west about 35 feet, and its greatest length from north to south 45 feet, and that space was occupied by the Town Council and the Sheriff Court-house at that time.

Keeping in view the configuration of the nave of the Church, as shown on the plans of the Church given by Dr Laing in his *Charters of St Giles'* and some other well ascertained facts, Lowther's diagram can be made to fit into the south-west corner of the Church with considerable exactness. These plans show the elevation of the south-west end of the Church, along with two tall pointed gothic windows on the south front and three on the west gable. In 1564 the south kirk-door entering from the church-

yard was ordered to be built up, and a wall built to screen an unseemly nuisance close by that door, the reason given being that the nuisance in question was committed "in sight of the Lords of Session."¹ The Lords of Session could only witness it through one or other of the two windows on the south of the Church. There was only an oriel window, high up in that bay of the Church occupied by the southern porch, the door of which was ordered to be built up. If the diagram of Lowther is placed lengthways across the nave of the Church, with the stair end towards the north, it fits into the two westmost bays of the space which latterly formed the Old Tolbuith Church. The inner Court where Lowther witnessed the fifteen Lords of Session sitting in their robes would be in the second bay from the west end of the Church; the bay representing the southern porch aisle could not have formed part of the area of the Courts—it was the charter-house of the Town Council, and had no windows to give light to the Courts. In the diagram no pillars are shown, but, according to this fitting in of the diagram, "the wall crossing over-thwarte" (transverse) would be in line with one of the pillars, and the wainscot partition, marking the second division of the area of the Courts, would be in line with the only other pillar embraced in the area, while the extreme divisions on the north would be the centre aisle, a part of the nave of the Church. The stair up to the Courts, cutting into the floor space of the area, was convenient to the principal entrance by the Norman porch on the north side of the Church, which then formed probably the only entrance to it.

In the Parliament held in the Tolbuith in 1594, the King and his courtiers entered by the stinking-style, which was situated on the north side of the Church, and opposite the old Norman arch which then formed the entrance to the nave.

In the Counsal-house, situated on the outside of the Church, the stair up to the second flat of the high counsal-house was a turnpike, as shown on the plan of 1790 already referred to, and this shows that Lowther's diagram could not apply to the outside Counsal-house. Nicol, in his Diary in 1655, about fifteen years after the completion of the Parliament House, has a notice of the then Tolbuith Church which confirms the explanation now made. He says "the Kirk called the Tolbuith Kirk, which was so called because it was lately the part and place where the Criminal Court did sit, and where the gallows and the mayden did ly of old; likewise, this Kirk altered and changed, and of this

¹ Extracts, *Council Record*, vol. iii. p. 189.

one Kirk they did make two." Part of the area of the Courts was formed into the Tolbuith Kirk, and the north portion of it, the central aisle of the nave, formed part of Hadow's Hole Kirk.

If this is the correct explanation of Lowther's diagram, the extent of the area occupied by the Law Courts, constituting the Tolbuith within St Giles' Church, can be easily ascertained, as the scale attached to the plans given by Dr Laing enables the measurement to be made with considerable exactness. The whole area would be 40 feet by about 65; and the inner court, where the lords sat when Lowther wrote his narrative, would form a chamber of 21 feet by 21 feet—not by any means a small Court-room. The size of the other compartments can be easily made out.

P. M.

